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General Assembly
Sixty-first session

Official Records

45th plenary meeting
Thursday, 2 November 2006, at 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mr. Al-Murad (Kuwait), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 156

Extension of the terms of the ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter from the Secretary-General to the President of the General Assembly (A/61/509)

Letter from the President of the Security Council to the President of the General Assembly (A/61/548)

The Acting President (*spoke in Arabic*): In document A/61/509, the Secretary-General transmitted a letter dated 23 August 2006 from Judge Erik Møse, President of the International Criminal Tribunal for Rwanda (ICTR), that directly relates to the ability of the International Tribunal to implement its completion strategy.

In his letter, the Secretary-General reports that the President recalls that the terms of office of the 18 ad litem judges will come to an end on 24 June 2007. The Secretary-General also reports that the President has requested that the terms of office of all 18 ad litem judges be extended until 31 December 2008, which is the date when trials at the International Tribunal are, in accordance with its completion strategy, expected to be completed.

Members will recall that the General Assembly, by its decision 57/414 C of 25 June 2003 and in accordance with article 12 ter, paragraph 1 (d), of the statute of the International Tribunal, elected from a list of candidates approved by the Security Council 18 ad litem judges to a four-year term of office beginning on 25 June 2003.

Of those 18 ad litem judges, the Secretary-General has to date appointed a total of 10 to serve on trials at the International Tribunal, nine of whom are, in accordance with the statute of the Tribunal, currently serving on either multi-accused or single-accused trials.

The Secretary-General also reports that the President of the Tribunal estimates that the multi-accused trials, in which six ad litem judges are serving, will continue beyond 24 June 2007, and, in addition, that there are two single-accused trials that the President has indicated may be completed only after 24 June 2007.

The Secretary-General further reports that the President of the International Tribunal does not wish the appointment of ad litem judges to new trials that will continue beyond 24 June 2007 to be delayed until

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after the election of new ad litem judges. He therefore wishes to be able to request the appointment of ad litem judges to new trials as soon as possible.

The President indicates that this may include, depending on their expertise and availability, not only ad litem judges who have previously been appointed, but also ad litem judges who have not yet been appointed to serve at the International Tribunal. He has accordingly requested that the terms of the remaining eight ad litem judges also be extended until 31 December 2008.

As the statute of the International Tribunal does not provide for extending the term of office of the ad litem judges, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed in order to extend the term of office of all the ad litem judges of the International Tribunal elected on 25 June 2003. The Secretary-General, therefore, requests that the General Assembly and the Security Council grant such approval.

Furthermore, in his letter the Secretary-General reports that the approval of the Security Council and the General Assembly is needed to allow Judges Bossa, Arrey, Lattanzi, Muthoga, Short, Hökborg, Hikmet, Kam and Park to serve in the International Tribunal beyond the cumulative period of service provided for under article 12 ter, paragraph 2, of the statute of the International Tribunal and until 31 December 2008.

Article 12 ter, paragraph 2, provides that:

> "During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years".

The Secretary-General therefore requests that the General Assembly and the Security Council grant such approval.

The Secretary-General reports that, as far as the financial consequences of the President's proposal are concerned, ad litem judges will have their terms extended only until the date when the completion of trials is foreseen. The Security Council and the General Assembly would then, in 2008, be able to review the status of the International Tribunal's ad litem judges.

The Secretary-General also reports that, in accordance with General Assembly resolution 57/289, should the cumulative period of service of ad litem judges amount to three years or more, this will not result in any change in their entitlements and benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist, which will, in such an eventuality, be extended pro rata by virtue of the extension of their service.

In document A/61/548, the President of the Security Council transmits to the President of the General Assembly the text of Council resolution 1717 (2006), of 13 October 2006, whereby the Council, inter alia:

> "1. Decides in response to the request by the Secretary-General and notwithstanding the provisions of Article 12 ter of the Statute of the International Tribunal for Rwanda, to extend until 31 December 2008 the term of office of the following ad litem judges of the International Tribunal who were elected on 25 June 2003: Mr. Aydin Sefa Akay (Turkey); Ms. Florence Rita Arrey (Cameroon); Ms. Solomy Balungi Bossa (Uganda); Mr. Robert Fremr (Czech Republic); Ms. Taghrid Hikmet (Jordan); Ms. Karin Hökborg (Sweden); Mr. Vagn Joensen (Denmark); Mr. Gberdao Gustave Kam (Burkina Faso); Ms. Flavia Lattanzi (Italy); Mr. Kenneth Machin (United Kingdom of Great Britain and Northern Ireland); Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania); Mr. Tan Sri Dato'Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia); Mr. Lee Gacuiga Muthoga (Kenya); Mr. Seon Ki Park (Republic of Korea); Mr. Mparany Mamy Richard Rajohnson (Madagascar); Mr. Emile Francis Short (Ghana); Mr. Albertus Henricus Johannes Swart (Netherlands); Ms. Aura E. Guerra de Villalaz (Panama).
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> "2. Decides in response to the request by the Secretary-General to allow ad litem Judges Bossa, Arrey, Lattanzi, Muthoga, Short, Hökborg, Hikmet, Kam and Park to serve in the International Tribunal for Rwanda beyond the cumulative period of service provided for under Article 12 ter of the Statute and until 31 December 2008;

"3. Requests States to continue to make every effort to ensure that their nationals who were elected as ad litem judges of the International Tribunal for Rwanda remain available to serve until 31 December 2008".

If there is no objection, I propose that the Assembly endorse this recommendation of the Secretary-General that was endorsed by the Security Council in its resolution 1717 (2006), and that the recommendation take effect as of 26 October 2006.

It was so decided.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 156?

It was so decided.

Agenda item 103

Elections to fill vacancies in principal organs

(b) Election of eighteen members of the Economic and Social Council

Letter from the Permanent Representative of Spain to the President of the General Assembly (A/61/89)

Letter from the Permanent Representative of Turkey to the President of the General Assembly (A/61/296)

The Acting President (*spoke in Arabic*): The Assembly will first proceed to a by-election to elect two members of the Economic and Social Council, in accordance with rule 140 of the rules of procedure. In this connection, I would first like to draw the attention of members to document A/61/89, containing a letter dated 7 June 2006 from the Permanent Representative of Spain to the United Nations, in which he announces that Spain would like to relinquish its seat on the Economic and Social Council for the remainder of its term in favour of Portuga[1]

I would also like to draw the attention of members to document A/61/296, containing a letter dated 21 August 2006 from the Permanent Representative of Turkey to the United Nations, in which he announces that Turkey would like to relinquish its seat on the Economic and Social Council for the term 2006-2008 in favour of Greece, as of 31 December 2006.

As a result, two vacancies will occur and two new members must therefore be elected to fill the unexpired terms of office of Spain and Turkey, commencing on 1 January 2007 and expiring 31 December 2008. In accordance with paragraph 4 of General Assembly resolution 2847 (XXVI), of 20 December 1971, and taking into account that the vacancies will occur from among the Western European and other States, the two new members should therefore be elected from that region.

I should like to inform the Assembly that the candidate that receives a two-thirds majority of members present and voting will be declared elected. In the case of a tie vote, there will be a special restricted ballot limited to those candidates that have obtained an equal number of votes. May I take it that the General Assembly agrees to the procedure?

It was so decided.

In accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot and there shall be no nominations.

In accordance with rule 92, we shall now proceed to the election by secret ballot.

I should like to inform members that as of 1 January 2007, the following States from the Group of Western European and other States will be represented on the Economic and Social Council: Australia, Austria, Denmark, France, Germany, Iceland and the United Kingdom of Great Britain and Northern Ireland. Therefore the names of these seven States should not appear on the ballot.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure, no representative shall interrupt the voting except on a point of order on the actual conduct of the vote. I hope that delegates will cooperate during the elections and remind them that there should be no lobbying during the ballots. That means that once the voting has started, no campaign or other material should be distributed. I call on all delegates to stay in their seats so that we can hold the election in an orderly manner. I thank the delegates for their cooperation.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers will now be distributed. I request representatives to use only those ballot papers that are being distributed and to write on them the names of the two States for which they wish to vote. A ballot paper containing more than two names from the region will be declared invalid. If a ballot paper contains the names of Member States which do not belong to the region, those names will not be counted at all.

At the invitation of the President, Ms. Batista Díaz (Dominican Republic), Ms. Barthélémy (France), Ms. Kasymova (Kyrgyzstan), Ms. Aperans (Latvia), Mrs. Rahantabololo (Madagascar), Ms. Till (New Zealand) and Mr. Oosthuizen (South Africa) acted as tellers.

A vote was taken by secret ballot.

The Acting President *(spoke in Arabic)*: I call on the representative of Mali, who wishes to speak on a point of order.

Mr. Diarra (Mali) (*spoke in French*): I am sorry to interrupt the voting process, but my delegation is not clear on what is at stake in these elections. It was our understanding that there were four candidates from among the Group of Western European and other States, and that Portugal and Greece were also added to the list. My delegation would like some clarifications before voting.

The Acting President *(spoke in Arabic)*: As I said earlier, the General Assembly is now proceeding to a by-election to elect two members of the Economic and Social Council, in accordance with rule 140 of the rules of procedure.

I drew the attention of members to a letter from the Permanent Representative of Spain to the United Nations announcing that Spain would like to relinquish its seat on the Economic and Social Council for the remaining term, in favour of Portugal, and to a letter from the Permanent Representative of Turkey to the United Nations announcing that Turkey would like to relinquish its seat on the Council for the term 2006-2008, in favour of Greece.

Following that, the General Assembly will proceed to the regular election of 18 members of the Economic and Social Council.

At the invitation of the President, Ms. Batista Díaz (Dominican Republic), Ms. Barthélémy (France), Ms. Kasymova (Kyrgyzstan), Ms. Aperans (Latvia), Mrs. Rahantabololo (Madagascar), Ms. Till (New Zealand) and Mr. Oosthuizen (South Africa) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.40 a.m. and resumed at 11.20 a.m.

The Acting President *(spoke in Arabic)*: The result of the voting is as follows:

Group E — Western European and other States

Number of ballot papers:	189
Number of invalid ballots:	5
Number of valid ballots:	184
Abstentions:	5
Required two-thirds majority:	120
Number of votes obtained:	
Portugal	133
Greece	129
Canada	28
Luxembourg	25
Netherlands	15
United States	15

Having obtained the required two-thirds majority, Greece and Portugal have thus been elected members of the Economic and Social Council for a term of office beginning on 1 January 2007 and ending on 31 December 2008.

I congratulate Greece and Portugal, which have been elected members of the Economic and Social Council.

The General Assembly will next turn to the election of 18 members of the Economic and Social Council to replace those members whose term of office expires on 31 December 2006.

The 18 outgoing members are: Armenia, Bangladesh, Belize, Belgium, Canada, Colombia, Indonesia, Italy, Mauritius, Namibia, Nigeria, Panama, Poland, the Republic of Korea, Tunisia, the United Arab Emirates, the United Republic of Tanzania and the United States of America.

Pursuant to rule 146 of the rules of procedure, those countries are eligible for immediate re-election.

Members will recall that Greece and Portugal have just been elected to fill the two seats relinquished by Spain and Turkey, effective 1 January 2007.

Consequently, as of 1 January 2007, the following States will be represented on the Economic and Social Council: Albania, Angola, Australia, Austria, Benin, Brazil, Chad, China, Costa Rica, Cuba, the Czech Republic, Denmark, the Democratic Republic of the Congo, France, Germany, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, India, Japan, Lithuania, Madagascar, Mauritania, Mexico, Pakistan, Paraguay, Portugal, the Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Thailand and the United Kingdom of Great Britain and Northern Ireland.

The names of those 36 States should therefore not appear on the ballots.

In accordance with paragraph 4 of General Assembly resolution 2847 (XXVI), of 20 December 1971, and taking into account the number of States that will remain members of the Council after 1 January 2007, the 18 members should be elected as follows: five from African States, four from Asian States, two from Eastern European States, three from Latin American and Caribbean States and four from Western European and other States. The ballot papers reflect that pattern.

I should like to inform the Assembly that those candidates, their number not exceeding the number of seats to be filled, that receive the greatest number of votes and a two-thirds majority of members present and voting will be declared elected.

In the case of a tie vote for a remaining seat, there will be a special restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The Acting President *(spoke in Arabic)*: In accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot, and there shall be no nominations.

Regarding candidatures of the respective regional groups, the Secretariat has been informed that for the five vacant seats from among the African States, the Group has endorsed five candidates: Algeria, Cape Verde, Malawi, Somalia and the Sudan. For the four vacant seats from among the Asian States, the Group has endorsed four candidates: Indonesia, Iraq, Kazakhstan and the Philippines. For the two vacant seats from among the Eastern European States, there are three candidates: Belarus, Bulgaria and Romania.

For the three vacant seats from among the Latin American and Caribbean States, there are four candidates: Argentina, Barbados, Bolivia and El Salvador.

For the four vacant seats from among the Western European and other States, the Group has endorsed four candidates: Canada, Luxembourg, the Netherlands and the United States of America.

In accordance with rule 92 of the rules of procedure, we shall now proceed to the election by secret ballot.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "A", "B", "C", "D" and "E" will now be distributed. I request representatives to use only those ballot papers and to write on them the names of the States for which they wish to vote. A ballot paper containing more names from the relevant region than the number of seats assigned to it will be declared invalid. If a ballot paper contains names of Member States that do not belong to that region, those names will not be counted at all.

At the invitation of the President, Ms. Batista Díaz (Dominican Republic), Ms. Barthélémy (France), Ms. Kasymova (Kyrgyzstan), Ms. Aperans (Latvia), Mrs. Rahantabololo (Madagascar), Ms. Till (New Zealand) and Mr. Oosthuizen (South Africa) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.40 a.m. and resumed at 12.50 p.m.

The Acting President: The result of the voting is as follows:

Group A — African States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	2
Required two-thirds majority:	127
Number of votes obtained:	
Cape Verde	187
Algeria	184
Malawi	184
Somalia	180
Sudan	170

Group B — Asian States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	3
Required two-thirds majority:	126
Number of votes obtained:	
Philippines	188
Kazakhstan	187
Indonesia	184
Iraq	181
Myanmar	1

Group C — Eastern European States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	1
Required two-thirds majority:	128
Number of votes obtained:	
Romania	139
Bulgaria	123
Belarus	112

Group D — Latin American and Caribbean States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	0
Required two-thirds majority:	128
Number of votes obtained:	
Barbados	160
Bolivia	138
El Salvador	133
Argentina	120

Group E — Western European and other States

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	6
Required two-thirds majority:	124
Number of votes obtained:	
Luxembourg	185
Netherlands	176
Canada	175
United States	168
Spain	1

Having obtained the required two-thirds majority and the largest number of votes, Algeria, Barbados, Bolivia, Canada, Cape Verde, El Salvador, Indonesia, Iraq, Kazakhstan, Luxembourg, Malawi, the Netherlands, the Philippines, Romania, Somalia, the Sudan and the United States of America were elected members of the Economic and Social Council for a three-year term beginning 1 January 2007.

The Acting President: There still remains one seat to be filled from among the Eastern European States.

We shall therefore proceed to the first restricted ballot.

This second round of balloting shall be restricted to the two States from among the Eastern European States that were not elected but that obtained the largest number of votes in the previous ballot, namely, Belarus and Bulgaria. That is in accordance with rule 94 of the rules of procedure.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "C" will now be distributed.

May I ask representatives to write on the ballot papers the name of the State for which they wish to

vote. Ballot papers marked "C", for the Eastern European States, will be declared invalid if they contain the name of a State other than Belarus or Bulgaria, or if they contain the name of more than one State.

At the invitation of the President, Ms. Batista Díaz (Dominican Republic), Ms. Barthélémy (France), Ms. Kasymova (Kyrgyzstan), Ms. Aperans (Latvia), Mrs. Rahantabololo (Madagascar), Ms. Till (New Zealand) and Mr. Oosthuizen (South Africa) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 1 p.m. and resumed at 1.20 p.m.

The Acting President: The result of the voting is as follows:

Group C — Eastern European States

Number of ballot papers:	184
Number of invalid ballots:	1
Number of valid ballots:	183
Abstentions:	2
Required two-thirds majority:	120
Number of votes obtained:	
Belarus	90
Bulgaria	89

This restricted ballot has once again been inconclusive. There still remains one seat to be filled from among the Eastern European States.

In accordance with the rules of procedure, we should continue with the series of restricted ballots. However, in view of the lateness of the hour, I propose that we postpone further balloting until 3 p.m. today.

It was so decided.

The meeting rose at 1.20 p.m.